

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ANTHONY RAPP, et ano.,

Plaintiffs,

-against-

20-cv-9586 (LAK)

KEVIN SPACEY FOWLER,

Defendant.
----- x

**ORDER ON OBJECTIONS TO DEFENDANT'S
DEPOSITION DESIGNATIONS AND
PLAINTIFF'S CROSS DESIGNATIONS**

LEWIS A. KAPLAN, *District Judge*.

The following are the Court's evidentiary rulings on plaintiff's objections to defendant's deposition designations and on defendant's objections to plaintiff's cross designations. Any other questions concerning the use of the deposition designations at trial are reserved. To the extent that the parties wish to use video recordings of deposition testimony at trial, they shall prepare edited versions that are limited to the designations as to which no objections have been sustained.

Kathe Green

Objections to the following portions of defendant's designations (keyed to transcript pages and line numbers) are sustained:

<u>Page:Line Start</u>	<u>Page:Line End</u>
42:6	42:11
44:10	45:6
45:20	45:25
46:3	46:7
57:25	58:12
73:13	73:15
78:13	78:21
94:8	94:9
100:23	100:25
101:3	101:4
102:6	102:6

In addition, the objections to all of plaintiff's cross-designations on pages 8 through

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/27/22

9, 29 through 30, 83 through 89:10, 89:22, 91, and 94 are sustained. All other objections are overruled.

Tracie Thoms

Having reviewed the deposition and the designations, the proposed designations and counterdesignations from the beginning of the deposition until page 13 line 4 would be repetitious and unhelpful and are excluded. In view of this ruling, defendant's counterdesignations in response to plaintiff's designations in the excluded portion of the deposition are moot and unnecessary.

Objections to the following portions of defendant's designations (keyed to transcript pages and line numbers of the) are sustained:

<u>Page:Line Start</u>	<u>Page:Line End</u>
18:17	19:15
47:5	47:22
52:23	52:23
53:13	54:3
54:7	54:7
54:9	54:14

In addition, the objections to all of defendant's designations on pages 48:7 through 50:16, and 65 through 66 are sustained. All other objections to defendant's designations are overruled.

Adam Rapp

Plaintiff's objections to defendant's designations on pages 74 through 87, 126 through 127 and 232 through 236 are sustained for want of the required motion under Fed. R. Evid. 412(a).

Objections to the following portions of defendant's designations (keyed to transcript pages and line numbers) are sustained:

<u>Page:Line Start</u>	<u>Page:Line End</u>
88:12	88:19
132:18	133:2
134:21	135:19
137:6	137:23
190:15	191:2
208:9	209:3
209:21	210:2
210:5	218:21
219:18	219:24
220:4	220:5
221:19	222:3
222:19	222:23
222:25	223:4

223:11
226:18

233:14
228:5

Plaintiff, however, may require defendant to include the full account contained in plaintiff's designations pages 12 through 55, which disposes of defendant's objections to plaintiff's cross-designations on those pages. Defendant's objections to the remainder of plaintiff's cross-designations are moot to the extent they were made in response to plaintiff designations to which objections were sustained and sustained with respect to those cross-designations on pages 187 through 204:4 and 259 and 260 as well as the following:

<u>Page:Line Start</u>	<u>Page:Line End</u>
68:7	69:14
72:25	73:25
184:18	184:20
204:14	205:14
249:5	252:10
254:10	254:12

Defendant's other objections to plaintiff's cross-designations are overruled.

John Barrowman

Plaintiff's objections to defendant's designations are sustained.

The parties are invited to submit letters as to the cross-designations at page 46, line 12 through page 48, line 15, on which the Court reserves decision.

Defendant's objections to plaintiff's cross-designations on pages 49 through 50, 70 through 74, 75:11-75:25 and 77 through 82 are sustained. His remaining objections are overruled.

Michael Collins

Plaintiff's objection to Page 46, lines 11-13 is sustained.

Defendant's objections to plaintiff's counterdesignations are overruled.

Adam Vary

December 16, 2021 Session

Objections to the following portions of defendant's designations (keyed to transcript pages and line numbers) are sustained:

<u>Page:Line Start</u>	<u>Page:Line End</u>
41:23	42:6
42:11	42:12
70:19	70:22
93:6	93:7
100:6	100:16
119:4	119:13
121:8	121:9
122:16	122:17
123:4	123:5
123:12	123:14
138:23	139:11
140:8	140:18
141:16	141:18
141:24	141:25
142:16	142:25
158:11	158:13
159:2	159:24
164:5	164:16
174:1	174:18
181:5	181:16
189:1	189:9
189:21	190:1
190:13	190:25
201:1	201:10
203:6	203:19
275:14	275:25

In addition, the objections to all of defendant's designations on pages 39, 40, 48, 51 through 66, 71 through 77, 124 through 129, 143 through 157, 166 through 173, 177 through 180, 182 through 188, 199 through 200, 202, 209 through 221, and 276 are sustained. Defendant's objections to plaintiff's cross-designations all are sustained with the exception of page 172, lines 18 through 24. His remaining objections are overruled.

September 1, 2022 Session

Objections to the following portions of defendant's designations (keyed to transcript pages and line numbers) are sustained:

<u>Page:Line Start</u>	<u>Page:Line End</u>
291:11	291:25
302:5	302:14
341:25	342:1
369:3	369:5
384:16	384:23
386:5	386:6
386:18	386:20
389:9	389:16

In addition, the objections to all of defendant's designations on pages 293 through 94, 299, 344 through 346, 354 through 368, 393, 403, 408, and 421 through 422 are sustained. All

of the defendant's objections to plaintiff's cross-designations not rendered moot by the above are overruled.

SO ORDERED.

Dated: September 27, 2022

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge